

Docket Item #8
BZA CASE #2005-0050

Board of Zoning Appeals
October 13, 2005

ADDRESS: 314 NORTH HENRY STREET
ZONE: CL, COMMERCIAL LOW
APPLICANT: GREY AND AMINA ZANE, OWNERS, BY ROBERT BRYNES,
ARCHITECT

ISSUE: Variance to build a two-story addition and second story balcony in the required side yards.

| CODE SECTION | SUBJECT | CODE REQMT | APPLICANT PROPOSES | REQUESTED VARIANCE |
|----------------|----------------------------------|------------|--------------------|--------------------|
| 4-106(A)(2)(a) | Side Yard (Two-Story Addition) | | | |
| | (North) | 8.00 feet* | 1.00 feet | 7.00 feet |
| | (South) | 8.00 feet* | 4.00 feet | 4.00 feet |
| | Side Yard (Second Floor Balcony) | | | |
| | (South) | 8.00 feet | 2.00 feet | 6.00 feet |

* Based on a building height of 16.50 feet to the eave line of the new roof.

Staff **recommends approval** of the request because the applicants have not demonstrated a hardship. The approval is conditional on the review and approval of the Old and Historic Alexandria Board of Architectural Review.

If the Board decides to grant a variance, it should contain the conditions under the department comments. The variance must also be recorded with the deed of the property in the City's Land Records Office prior to the release of the building permit.

(insert sketch here)

I. Issue

The applicant proposes to (1) build a two-story addition at the rear of the existing house and (2) construct a second floor open balcony on the south building wall of the single-family home at 314 North Henry Street.

The subject property is one lot of record with 21.00 feet of lot width facing North Henry Street and a depth of 100.00 feet and a lot area of 2,100 square feet.

II. Background

A two-story detached brick and frame dwelling occupies the subject property and is located 5.90 feet from the front property line facing North Henry Street, less than 1.00 feet from the north side property line, 1.80 feet from the south side property line and 59.00 feet from the west rear property line. A detached shed and children's jungle gym play equipment are located in the rear yard.



III. Description

The applicant seeks a variance to (1) construct a two story rear addition behind the main building, and (2) construct a second floor open balcony on the main building's south wall. The specifics of each improvement is as follows.

- (a) The proposed two-story addition measures 15.00 feet by 14.10 feet and totals approximately 508 square feet. Upon completion of the addition the overall height from grade to the top of the roof of the building will be 20.00 feet. The two-story addition will be located 1.00 feet from the north side property line and 4.00 feet from the south side property line.
- (b) A second floor balcony is proposed on the south wall of the existing building and is located 1.80 feet from the south side property line.

The subject lot is located in the Parker-Gray Historic District and is under the jurisdiction of the Board of Architectural Review (BAR). The proposed new construction will require approval of a Permit to Demolish and a Certificate of Appropriateness by the BAR. Staff believes the size and massing of the proposed addition are generally appropriate but has concerns about the extent of demolition/encapsulation of the roof of the historic main block that may be entailed by the proposed new construction.

IV. Master Plan/Zoning

The subject property is zoned CL, commercial and has been so zoned since adoption of the Third Revised Zoning Map in 1951 and identified in the Old Town Small Area Plan for commercial and residential land use.

IV. Requested variances

Section 4-106(A)(2)(a) Side Yard (North and South)

CL zone requirements state that each single-family residential use must provide two side yards of a minimum 8.00 feet each or one-third the building height whichever is greater. The existing building is located .70 feet from the north side property line and 1.80 feet from the south side property line. The proposed two-story rear addition is 1.00 feet from the north side property line and 4.00 feet from the south side property. The proposed second floor balcony on the south building wall is 2.00 feet from the south side property line. The applicant requests a variance of 7.00 feet and 4.00 feet respectively from the north side property line and south property line for new addition and 6.00 feet from the south side property line for the proposed balcony.

V. Noncomplying structure

The existing building at 314 North Henry Street is a noncomplying structure with respect to the following:

| <u>Yard</u> | <u>Required</u> | <u>Existing</u> | <u>Noncompliance</u> |
|--------------|-----------------|-----------------|----------------------|
| Side (North) | 8.00 ft | 0.70 ft | 7.30 ft |
| Side (South) | 8.00 ft | 2.50 ft | 5.50 ft |
| Front | 20.00 ft | 12.50 ft | 7.50 ft |

VI. Staff analysis under criteria of section 11-1103

To grant a variance, the Board of Zoning Appeals must determine that a unique characteristic exists for the property. Section 11-103 of the zoning ordinance lists standards that an applicant must address and that the Board believes exists and thus warrants varying the zoning regulations.

- (1) The particular physical surroundings, shape, topographical condition or extraordinary situation or condition of the property that prohibits or unreasonably restricts the use of the property.
- (2) The property's condition is not applicable to other property within the same zoning classification.
- (3) Hardship produced by the zoning ordinance was not created by the property owner.

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- (4) The granting of a variance will not be detrimental to the public or other property or the neighborhood in which the subject property is located. Nor will the granting of a variance diminish or impair the value of adjoining properties or the neighborhood.
- (5) The granting of the variance will not impair light and air to the adjacent property.
- (6) The granting of a variance will not alter the character of the area nor be detrimental to the adjacent property.
- (7) Strict application of the zoning ordinance will produce a hardship.
- (8) Such hardship is generally not shared by other properties in the same zone and vicinity.
- (9) No other remedy or relief exists to allow for the proposed improvement.
- (10) The property owner has explored all options to build without the need of a variance.

VII. Applicant's Justification for Hardship

The applicant states that the ordinance creates an unreasonable hardship and prevents a reasonable use of the property. The subject property is 21.00 feet wide. The imposition of two 8.00 feet side yards on a narrow lot renders the lot unbuildable.

VIII. Staff Analysis

This case clearly demonstrates a legal hardship. The narrowness of the lot completely precludes any physical expansion. The zoning ordinance requirement of two side yards of 8.00 feet renders the lot unbuildable. The two side yards totaling 16.00 foot on a 21.00 feet wide lot results in only a 5.00 feet wide building. Single-family dwellings in the CL zone are required to provide a minimum of 50.00 feet of frontage, thus the two eight foot side yard requirements are intended to maintain setbacks on much larger residential lots than the subject property. In this case the strict application of the zoning ordinance as applied to the subject property necessarily create a hardship.

No alternatives exist, except rezoning of the property, which would allow physical expansion of this dwelling. The narrowness of the lot and the lack of adverse public impact sufficiently support hardship in this case.

Historic preservation staff believes the size and massing of the proposed addition are generally appropriate but have concerns about the extent of demolition/encapsulation of the roof of the historic main block that may be entailed by the proposed new construction. has concerns about the extent of demolition/encapsulation. Based on the above comments BAR staff does not object to the requested variance.

Staff **recommends approval** of both variances.

STAFF: Hal Phipps, Division Chief, Planning and Zoning
Peter Leiberg, Zoning Manager, Planning and Zoning

DEPARTMENTAL COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

* The applicant is advised that if the variance is approved the following additional comments apply.

Transportation and Environmental Services:

F-1 No comments.

Code Enforcement:

- F-1 One window on the South Elevation is located two feet from the interior lot line clearance and is in violation of C-1 below. The applicant shall provide documentation as to when the window was installed in order to determine compliance with the applicable code requirements.
- F-2 No windows details were provided along the North elevation within 3 feet from the interior lot line. Specific details relating to any proposed windows, the distance from the interior lot line and applicability of C-1 below will be determined at time of building permit plan review.
- C-1 All exterior walls within 5 feet from an interior property line shall have a fire resistance rating of 1 hour, from both sides of the wall. As alternative, a 2 hour fire wall may be provided. This condition is also applicable to skylights within setback distance. Openings in exterior walls between 3 and 5 feet shall not exceed 25% of the area of the entire wall surface (This shall include bay windows). Openings shall not be permitted in exterior walls within 3 feet of an interior lot line.
- C-2 Prior to the issuance of a demolition permit or land disturbance permit, a rodent abatement plan shall be submitted to Code Enforcement that will outline the steps that will taken to prevent the spread of rodents from the construction site to the surrounding community and sewers.
- C-3 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C-4 A soils report must be submitted with the building permit application.
- C-5 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).

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- C-6 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-7 Construction permits are required for this project. Plans shall accompany the permit application that fully detail the construction as well as layouts and schematics of the mechanical, electrical, and plumbing systems.
- C-8 Permission from adjacent property owners is required if access to the adjacent properties is required to complete the proposed construction. Otherwise, a plan shall be submitted to demonstrate the construction techniques utilized to keep construction solely on the referenced property.
- C-9 A wall location plat prepared by a land surveyor is required to be submitted to this office prior to requesting any framing inspection.

Recreation (Arborist):

- F-1 No trees are affected by this plan.

Historic Alexandria (Archaeology):

- F-1 According to the G.M. Hopkins Insurance Atlas, a house present on this property by 1877. The lot therefore has the potential to yield archaeological resources that could provide insight into residential life in 19th-century Alexandria.
- R-1 Call Alexandria Archaeology immediately (703-838-4399) if any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds.
- R-2 The above statement must appear in the General Notes of all site plans and on all site plan sheets that involve demolition or ground disturbance (including sheeting and shoring and grading) so that on-site contractors are aware of the requirement.

Other Requirements Brought to the Applicant's Attention:

- C-1 A wall check survey plat shall be submitted to Planning and Zoning when the building footprint is in place, pursuant to Alexandria City Code section 8-1-12.

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